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10/656,665	09/05/2003	Johannes Kocher	16493	8316
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FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				EXAMINER PICO, ERIC E
		ART UNIT 3654		PAPER NUMBER
NOTIFICATION DATE		DELIVERY MODE		
02/11/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/656,665	<b>Applicant(s)</b> KOCHER ET AL.
	<b>Examiner</b> ERIC PICO	<b>Art Unit</b> 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 November 2007.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-16 and 21-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5-16 and 21-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1, 2, 8-13, and 21-24 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Patent No. 6598707 in view of Eastcott et al. U.S. Patent No. 4108280.

3. **Regarding claim 1**, Nakagaki et al. discloses an elevator installation having a car, referred to as cage 20, and a counterweight 30 connected by a drive means, referred to as front and back hoist cables 50, 60, and movable in a shaft 7 comprising:

4. a pair of car guides 22, 23 adapted to be mounted in the shaft 7;
5. a pair of counterweight guides 31, 32 adapted to be mounted in the shaft;
6. a crossbeam, referred to as connecting beam 33, attached to the counterweight guides 31, 32 and to car guide 22; and
7. a drive motor, referred to as hoist 41, mounted on the crossbeam 33 and coupled to a pair of drive pulleys, referred to as front and back traction sheaves 44, 45, adapted for engaging the drive means 50, 60 to move the car 20 and the counterweight 30 in the elevator shaft 7 wherein the drive pulleys 44, 45 are operatively drivingly connected by a drive shaft with the drive motor and a brake, the drive pulleys 44, 45 being spaced

apart and positioned adjacent opposite sides of the car guides 22, 23, shown in Figures 1, 3, and 4.

8. Nakagaki et al. is silent concerning the drive pulleys are arranged between the drive motor and the brake on the drive shaft wherein a spacing between the drive pulleys is less than an axial length of the drive motor.

9. Eastcott et al. teaches drive pulleys 10a, 11a are arranged between a drive motor 42, 45 and a brake, comprised of 32-35, on a drive shaft 12a wherein a spacing between the drive pulleys 10a, 11a is less than an axial length of the drive motor 42, 45.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the pulleys disclosed by Nakagaki et al. between a drive motor and a brake as taught by Eastcott et al. to facilitate arrangement of components due to space restraints.

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor as taught by Eastcott et al. to position the cables at a desired spacing.

12. Furthermore, it would have been obvious to one of ordinary in the art at the time of the invention was made to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

13. **Regarding claim 2**, Nakagaki et al. discloses the drive pulleys 44, 45 are arranged on opposite sides of an imaginary line horizontal connector of the car guides 22, 23.

14. **Regarding claim 8**, Nakagaki et al. further discloses the counterweight guides 31, 32 and the car guide 22 are positioned at apices of a substantially horizontal triangle and the crossbeam 33 is fastened at end regions to the counterweight guides 31, 32 and at a center region to the car guide 22.

15. **Regarding claim 9**, Nakagaki et al. further discloses the car guides 22, 23 and counterweight guides 31, 32 are arranged to extend substantially vertically in the elevator shaft and the crossbeam 33 is arranged to extend substantially horizontally in the elevator shaft.

16. **Regarding claim 10**, Nakagaki et al. discloses an elevator installation having a car, referred to as cage 20, and a counterweight 30 connected by a drive means, referred to as front and back hoist cables 50, 60, and movable in an elevator shaft comprising:

17. an elevator shaft 7;

18. an elevator car 30 movable in the elevator shaft 7 along a pair of car guides 22, 23 mounted in the elevator shaft 7;

19. a counterweight 30 movable in the elevator shaft 7 along a pair of counterweight guides 31, 32 mounted in the elevator shaft 7;

20. a crossbeam, referred to as connecting beam 33, attached to the counterweight guides 31, 32 and one of the car guides 22; and

21. a gearless drive motor, referred to as hoist 41, mounted on the crossbeam 33 for engaging the drive means 50, 60 and moving the car 20 and the counterweight 30 in the elevator shaft 7, the drive motor 41 being drivingly connected by a drive shaft 42, 43 to a pair of drive pulleys 44, 45 engaging the drive means 50, 60, the drive pulleys being spaced apart adjacent one another and positioned adjacent opposite sides of one of the car guides 22.

22. Nakagaki et al. is silent concerning a spacing between the drive pulleys is less than an axial length of the drive motor.

23. Eastcott et al. teaches a spacing between the drive pulleys 10a, 11a is less than an axial length of a drive motor 42, 45.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor as taught by Eastcott et al. to position the cables at a desired spacing.

25. Furthermore, it would have been obvious to one of ordinary in the art at the time of the invention was made to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

26. **Regarding claim 11**, Nakagaki et al. discloses two drive means 50, 60 connecting the car 20 and the counterweight 30, each drive means 50, 60 having two ends, referred to as anchoring ends 53, 57, 63, 67, and each of the ends 53, 57, 63, 67

being fixed to one of the car guides 23, via cage-side hitching beam 25, and the crossbeam 33.

27. **Regarding claim 12**, Nakagaki et al. discloses two drive means 50, 60 connecting the car 20 and the counterweight 30 and wherein the drive means 50, 60 are belts.

28. **Regarding claim 13**, Nakagaki et al. discloses the car 20 is suspended in the elevator shaft 7 with a 2:1 ratio and the drive motor 41 is arranged in a region above a travel path of the counterweight 30 in the elevator shaft 7, shown in Figures 1, 2, 4, and 5.

29. **Regarding claim 21**, Nakagaki et al. discloses an elevator installation having a car 20 and a counterweight 30 connected by a drive means 50, 60 and movable in an elevator shaft 7 comprising:

30. a pair of car guides 22, 23 adapted to be mounted in the elevator shaft 7;
31. a pair of counterweight guides 31, 32 adapted to be mounted in the elevator shaft 7;
32. a crossbeam 33 attached to the counterweight guides 31, 32 and one of the car guides 22;
33. a drive motor 41 mounted on the crossbeam 33 and connected to a drive shaft 42, 43;
34. a pair of drive pulleys 44, 45 adapted for engaging the drive means 50, 60 to move the car 20 and the counterweight 30 in the elevator shaft 7 wherein the drive pulleys 44, 45 are drivingly connected to the drive shaft 42, 43 and are positioned

spaced apart adjacent to one another on opposite sides of an imaginary line connector extending between the car guides 22, 23 and adjacent opposite sides of one of the car guides 22.

35. Nakagaki et al. is silent concerning a spacing between the drive pulleys is less than an axial length of the drive motor.

36. Eastcott et al. teaches a spacing between the drive pulleys 10a, 11a is less than an axial length of a drive motor 42, 45.

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor as taught by Eastcott et al. to position the cables at a desired spacing.

38. Furthermore, it would have been obvious to one of ordinary in the art at the time of the invention was made to space the drive pulleys disclosed by Nakagaki et al. less than an axial length of the drive motor, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

39. **Regarding claim 22**, Nakagaki et al. discloses the counterweight guides 31, 32 and the car guides 22, 23 are positioned at apices of a substantially horizontal triangle and end regions of the crossbeam 33 are fastened to respective ones of the counterweight guides 31, 32.

40. **Regarding claim 23**, Nakagaki et al. discloses a center region of the crossbeam 33 is attached to one of the car guides 22.

41. **Regarding claim 24**, Nakagaki et al. discloses the drive motor 41 is in an area of the triangle substantially above the counterweight 30.
42. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Patent No. 6598707 in view of Eastcott et al. U.S. Patent No. 4108280 as applied to claim 1 above, and further in view of Cox U.S. Patent No. 3559768.
43. **Regarding claim 3**, Nakagaki et al. discloses the drive means are belts, referred to as front and back hoist cable 50, 60.
44. Nakagaki et al. is silent concerning the drive pulleys are smaller in diameter than the drive motor and/or brake.
45. Cox teaches drive pulleys 11, 25 are smaller in diameter than the drive motor 14 and brake 15.
46. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the diameter of the drive pulleys disclosed by Nakagaki et al. smaller than the drive motor and brake as taught by Cox because a smaller diameter sheave results in a reduced torque and an increased rotation speed of the drive motor, which increases the efficiency of the drive motor.
47. Claim(s) 5 and 6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Patent No. 6598707 in view of Eastcott et al. U.S. Patent No. 4108280 as applied to claim 1 above, and further in view of Yasuda et al. U.S. Patent No. 6488124.

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48. **Regarding claim 5**, Nakagaki et al. is silent concerning the drive motor and the brake are mounted on a bracket fastened to the crossbeam.

49. Yasuda et al. teaches a drive motor 126 and a brake 118 are mounted on a bracket, referred to as support legs 120, fastened to the crossbeam 108

50. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the drive motor and the brake disclosed by Nakagaki et al. on a bracket fastened to the crossbeam as taught by Yasuda et al. to facilitate the connection between the drive motor and the brake, and the crossbeam.

51. **Regarding claim 6**, Nakagaki et al. is silent concerning a bracket mounted at a center region of the crossbeam.

52. Yasuda et al. teaches the bracket 120 is mounted at a center region of the crossbeam 108.

53. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the bracket as taught by Yasuda et al. at a center region of the crossbeam disclosed by Nakagaki et al. to facilitate the connection between the drive motor and the brake, and the crossbeam.

54. Claim(s) 7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Patent No. 6598707 in view of Eastcott et al. U.S. Patent No. 4108280 and Yasuda et al. U.S. Patent No. 6488124 as applied to claim 5 above, and further in view of Cox U.S. Patent No. 3559768.

55. **Regarding claim 7**, Nakagaki et al. is silent concerning the drive pulleys arranged substantially in a region within an enclosure of the bracket.

56. Cox teaches drive pulleys 11, 25 arranged substantially in a region within an enclosure of the brackets, not numbered but shown attached to of the elevator shaft shown in Figure 1.

57. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the drive pulleys disclosed by Nakagaki et al. substantially in a region within an enclosure of the bracket as taught by Cox to make the drive pulleys readily accessible with the bracket.

58. Claim(s) 14-16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Patent No. 6598707 in view of Eastcott et al. U.S. Patent No. 4108280 as applied to claim 10 above, and further in view of Yasuda et al. U.S. Patent No. 6488124.

59. **Regarding claim 14**, Nakagaki et al. discloses a car 20 suspended in an elevator shaft 7 with a 2:1 ratio and a drive motor 41.

60. Nakagaki et al. is silent concerning a drive motor arranged in a region above a travel path of the car.

61. Yasuda et al. teaches a car 101 suspended in an elevator shaft 103 with a drive motor 126 arranged in a region above a travel path of the car 101, shown in Figures 4-6 20, 21A, 21B, and 31-33.

62. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the drive motor disclosed by Nakagaki et al. in a region above a travel path of a car as taught by Yasuda et al. to overcome elevator shaft size and shape constraints.

63. **Regarding claim 15**, Nakagaki et al. discloses a car 20 suspended in an elevator shaft 7 with a 2:1 ratio and a drive motor 41.
64. Nakagaki et al. is silent concerning a drive motor arranged in a region above a travel path of the car and a travel path of the counterweight.
65. Yasuda et al. teaches a car 101 suspended in an elevator shaft 103 with a drive motor 126 arranged in a region above a travel path of the car 101 and a travel path of the counterweight 102, shown in Figures 4-6 20, 21A, 21B, and 31-33.
66. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the drive motor disclosed by Nakagaki et al. in a region above a travel path of a car and a travel path of a counterweight as taught by Yasuda et al. to overcome elevator shaft size and shape constraints.
67. **Regarding claim 16**, Nakagaki et al. is silent concerning the car suspended in the elevator shaft with a 1:1 ratio and the drive motor arranged in a region above a travel path of the car.
68. Yasuda et al. teaches a car 101 is suspended in an elevator shaft 103 with a 1:1 ratio and the drive motor 126 is arranged in a region above a travel path of the car 101, shown in Figures 4-6 20, 21A, 21B, and 31-33.
69. It would have been obvious to one of ordinary skill in the art at the time of the invention to suspend the car disclosed by Nakagaki et al. in an elevator shaft with a 1:1 ratio as taught by Yasuda et al. and arrange the drive motor disclosed by Nakagaki et al. in a region above a travel path of the car as taught by Yasuda et al. to overcome elevator shaft size and shape constraints.

***Response to Arguments***

70. Applicant's arguments filed 10/12/2007 have been fully considered but they are not persuasive.

71. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a brake assembly being operatively connected to the wheels by a shaft) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

72. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a brake assembly being operatively connected to the wheels by a shaft) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

73. In response to applicant's argument, "there is no room between the wheels 10, 11 for a car guide" Eastcott et al. U.S. Patent No. 4108280 is no relied upon for the teachings of the drive pulleys positioned adjacent opposite sides of at least one car guides.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3654